

REMARKS

The Office Action dated July 20, 2004 states that the application does not comply with the requirements for receiving the benefit of an earlier filing date under 35 U.S.C. §120. However, at the time of filing the current application it was amended to contain a specific reference to the parent application. See the Preliminary Amendment filed January 2, 2004. The Examiner is respectfully requested to confirm that this Amendment has been properly entered into the record.

In the Office Action dated 20 July 2004, the drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include reference sign 71 as mentioned on page 15, line 19. A new Fig. 7 with proposed addition of numeral 71 is attached for Examiner's consideration.

In paragraphs 4-6 of the Action, various objections were made to claims 1 and 19. The objections are rendered moot with the deletion of claims 1 and 19. The phrase "said filtering plane" in claim 5 has been changed to "the filtering plane" for clarity. In addition, the feature in deleted claim 6 has been incorporated into claim 5. Objections under paragraphs 8 and 9 are also rendered moot with the deletion of claims 7 and 18.

In paragraphs 10 and 11 of the Office Action, claims 1-3, 5-7, 14, 18 were rejected as being anticipated by Chagnot '842. In paragraphs 12 and 13 of the Office Action, claims 4, 12, 16 and 18 were rejected under 35 USC 103 over Chagnot '842 in view of Oas et al. In paragraph 14 of the Office Action, claims 8-11, 13, 15, 17 and 18 were rejected under 35 USC 103(a) as being unpatentable over Chagnot '842.

In response to the Office Action dated 20 July 2004, Applicant respectfully requests consideration and withdrawal of the rejections of the claims and objection to the claims.

In this response, claims 1, 4, 6-9, 11, 13, 15 and 17-19 are deleted. New claims 20-25 are added. New independent claim 20 is substantively based on deleted claim 1 plus support from the specification and more particularly at paragraphs [0057], [0058], [0060], [0073] and [0080] of the published specification US 2003/0051454, as well as Figs. 1 and 7. New dependent claim 21 is identical in substance to deleted claim 18. Support for new claim 22 can be found at Fig. 1 of the specification. Support for new claim 23 can be found at Figs. 1 and 7 of the specification. Support for claim 24 can be found in Fig. 1 of the specification. Support of new claim 25 can be found in the specification and more particularly at paragraph [0083] and Fig. 7. Claims 2, 3, 5, 10, 12, 14, 16 are now dependent on claim 20, instead of the deleted claim 1.

It is respectfully submitted that the new independent claim 20 is patentably distinguishable from all the pertinent cited prior art and is therefore in order for allowance.

Specifically, the invention as described in the new independent claim 20 is patentably distinguishable from Chagnot (US 5,285,842). Chagnot teaches a ventilator with a rotary wheel heat exchanger 12 with first and second air streams 22, 24 which are in counter-flow relationship (lines 15-16, column 7). The first and the second air-moving devices 26a and 28a are connected by a number of pulleys (92, 94, 98, 100) and belts (84 and 86) which increases the size of the devices as well as introducing noise and maintenance problems. Also, because of the limited contact surface between air-streams in a rotary-wheel type exchanger, its thermal efficiency is not optimal. Hence, the Chagnot

'842 ventilation is not acceptable for practical utilization. On the other hand, the claimed invention facilitates a compact ventilator design while allowing high thermal exchange efficiency. However, in a ventilator with a cross-flow type thermal exchanger, the first and the second air-streams have to cross at the thermal exchanger and, as both first and second air streams have to be communicable with the front housing portion of the ventilator, the portion of the first air compartment which provides passage interconnecting the first air-moving device and the thermal exchanger has to be disposed near the rear housing portion. Providing a ventilator with a cross-flow type thermal exchanger having an air-filter which is removable or accessible from the front housing portion of a ventilator of this particular design is hitherto an unresolved tissue. This invention provides a useful solution and facilitates the provision of a removable air-filter for a ventilator comprising a cross-flow thermal exchanger in which the first and second air-moving devices are connected to a common axle and is therefore submitted to be patentable.

As other claims are also dependent on claim 19, they are also submitted to be patentably distinguishable. Reconsideration and withdrawal of the rejections are therefore respectfully requested.

Respectfully submitted,

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AMENDMENT TO THE DRAWINGS

Replace the original sheet of drawings containing Figure 7 with the accompanying replacement sheet containing the same figure.

In the Replacement Sheet, reference number 71 has been added to Figure 7.